



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/353,942	12/12/94	SEGATTA	91221A

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BRUCE J. HENDRICKS
DEPARTMENT 823
THE GOODYEAR TIRE & RUBBER COMPANY
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EXAMINER	
JOHNSTONE, A	
ART UNIT	PAPER NUMBER
1301	25

DATE MAILED: 11/21/96

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

• ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

a) ☒ is extended to run _____ or continues to run 3 months from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 11/13/96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1, 2, 4, 5, 6, 8-14

However,

☒ Applicant's response has overcome the following rejection(s): the rejection of claims 1-3, 4-6, 8-14 under 35 U.S.C. 112 second paragraph in para. 3 of the Office action mailed 8/15/96.

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because see attachment.

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

ADRIENNE C. JOHNSTONE
PRIMARY EXAMINER
GROUP 1300

Adrienne C. Johnstone

Serial Number 08/353,942

Art Unit 1301

Attachment to Advisory Action, Paper Number 25

1. Since it is clear applicants intended to adopt the examiner's suggested amendments including the amendment to claim 1 line 7 changing "2" to -- about 12 -- , the examiner has so amended claim 1 line 7 as per MPEP 714.23.
2. The examiner awaits a corrected declaration under 37 C.F.R. 1.132 by inventor Paul Harry Sandstrom adding the identification of the subject matter intended to be attributed to him. It appears to the examiner that such a declaration would overcome the prior art rejections of record for all pending claims (1-2, 4-6, 8-14).
3. Applicants' arguments have been fully addressed in the previous Office actions.
4. Applicants are reminded of this application's qualification for transitional after final practice as set forth in para. 13 of the Office action mailed August 15, 1996.

Adrienne Johnstone

November 21, 1996

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